

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FLAMINGO LLC,

Plaintiff

v.

WENDY'S OLD FASHIONED
HAMBURGERS OF NEW YORK, INC.,
Successor-In-Interest to Wenco Food Systems
Corp.,
26 E. 23rd Street
New York, New York 10010

Defendant.

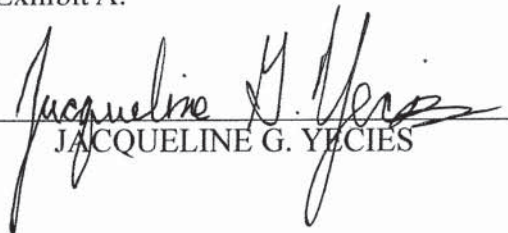
Case No. 11-cv-4862 (CM) (JCF)

**REPLY AFFIDAVIT OF
JACQUELINE G. YECIES
IN FURTHER SUPPORT OF
DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

JACQUELINE G. YECIES, hereby swears as follows:

1. I am an Associate at Akin Gump Strauss Hauer & Feld LLP, counsel for defendant Wendy's Old Fashioned Hamburgers of New York, Inc. ("Wendy's" or "Defendant") in this action. I have attended all of the depositions and am familiar with the documents produced in this action.
2. I submit this Reply Affidavit in further support of Wendy's Motion for Summary Judgment.
3. A true and correct copy of excerpts from the deposition transcript of Michael O'Kane, dated January 19, 2012, ("O'Kane Dep.") is attached as Exhibit A.


JACQUELINE G. YECIES

Sworn before me this 26th day
of June 2012.


Notary Public

MELISSA ANNE RUDKO
Notary Public, State of New York
No. 01RU6218106
Qualified in New York County
Commission Expires May 24, 2014